

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1196 be amended to read as follows:

- 1 Page 60, between lines 3 and 4, begin a new paragraph and insert:
2 "SECTION 47. IC 6-2.5-5-13 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) **As used in this**
4 **section, "broadband service" means a connection to the Internet**
5 **at speeds greater than two hundred (200) kilobits per second**
6 **downstream.**
7 (b) **As used in this section, "broadband service provider" means**
8 **a person or entity providing broadband service.**
9 (c) **As used in this section, "customer" refers to a customer who**
10 **receives broadband service from a broadband service provider.**
11 (d) **The following** transactions involving tangible personal property
12 are exempt from the state gross retail tax: ~~if:~~
13 (1) ~~the Transactions involving property that is:~~
14 (A) classified as central office equipment, station equipment
15 or apparatus, station connection, wiring, or large private
16 branch exchanges according to the uniform system of accounts
17 which was adopted and prescribed for the utility by the Indiana
18 utility regulatory commission; or
19 (B) mobile telecommunications switching office equipment,
20 radio or microwave transmitting or receiving equipment,
21 including, without limitation, towers, antennae, and property
22 that perform a function similar to the function performed by
23 any of the property described in clause (A). ~~and~~
24 ~~(2) Transactions involving property described in this~~
25 **subdivision are exempt from the state gross retail tax only if**
26 the person acquiring the property furnishes or sells intrastate
27 telecommunication service in a retail transaction described in
28 IC 6-2.5-4-6.
29 (2) **Transactions involving property that is:**
30 (A) **capable of providing broadband service;**
31 (B) **owned by or leased to a broadband service provider;**

1 **and**
2 **(C) located outside a customer's premises.**
3 **The exemption provided by this subdivision does not apply to**
4 **transactions involving property that is normally located inside**
5 **a customer's premises, including personal computers,**
6 **modems, set top boxes, and related items used by the**
7 **customer to facilitate broadband connection within the**
8 **customer's home or business."**

9 Page 126, between lines 28 and 29, begin a new paragraph and
10 insert:

11 "SECTION 133. [EFFECTIVE JULY 1, 2002] **IC 6-2.5-5-13(d)(2),**
12 **as added by this act, applies to retail transactions occurring after**
13 **June 30, 2002."**

14 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1196 as printed February 22, 2002.)

Senator FORD